

MAY 15 2009

JOHN F. CORCORAN, CLERK
BY: *J. Bugh*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JEROME BAILEY,

Plaintiff,

v.

KENNETH L. OSBOURNE,

Defendant.

)
)
)
) Case No. 7:09CV00177
)
)
) **FINAL ORDER**
)
) By: Glen E. Conrad
) United States District Judge
)

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that this civil rights action, pursuant to 42 U.S.C. § 1983, is **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254; is hereby **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Cases; and is stricken from the active docket of the court.

ENTER: This 15th day of May, 2009.

Glen E. Conrad

United States District Judge